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June 23, 2008

By Facsimile: (212) 805-7927
Hon. Naomi Reice Buchwald
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Mann v. Plus One Holdings, Inc. et al.*
Civil Action No. 07-CV-5691

Your Honor:

We are counsel to Defendants Plus One Holdings, Inc. and Jamie Macdonald. We have been unable to procure Plaintiff's cooperation in discovery, including but not limited to her refusal to appear for her deposition. Co-Defendants The Board of Managers of Trump World Tower and John Henriques have encountered the same difficulties. The discovery deadline, extended from May 30, 2008 at Plaintiff's request, is June 30, 2008.

Our efforts to obtain Plaintiff's compliance with her discovery obligations, including a *Rule 37.3* conference with her attorneys on June 11, 2008, have been not been successful. In that conference, Plaintiff's counsel, Chidi Eze, Esq. and Nkereuwem (Uwem) Umoh, Esq., promised to supplement responses to written discovery and to produce their client for deposition on June 24 and June 30, having refused to provide dates for months and having unilaterally cancelled previously noticed dates at the last minute. Despite their assurances, Plaintiff's responses to written discovery remain deficient. Last Friday afternoon -- and only in response to my request for confirmation -- Plaintiff's lawyers again cancelled her deposition, claiming their client would be "unavailable."

We had hoped to fill in the gaps left by other deficiencies in Plaintiff's discovery responses through her deposition to avoid, or at least minimize, motion practice. Plaintiff's refusal to appear has made that impossible. Accordingly, on behalf of our

Hon. Naomi Reice Buchwald
June 23, 2008
Page 2 of 2

clients as well as TWT and Defendant Henriques, we have no alternative but to ask for a discovery conference with the Court and for permission to file a motion to compel and for sanctions.

We appreciate the Court's attention to, and consideration of, this request.

Respectfully,

Deborah Martin Norcross

cc: Hon. Debra Freeman, Magistrate Judge (By Facsimile)
Chide Eze, Esq. (By E-mail and Facsimile)
Harold Derschowitz, Esq. (By E-mail)